

AUG. 13. 2004 3:45PM

JENKINS & WILSON

RECEIVED
CENTRAL FAX CENTER

NO. 558

P. 1

AUG 13 2004

JENKINS, WILSON & TAYLOR, P.A.

PATENT ATTORNEYS

SUITE 1400 UNIVERSITY TOWER
3100 TOWER BOULEVARD
DURHAM, NORTH CAROLINA 27707
TELEPHONE: (919) 493-8000
FACSIMILE: (919) 419-0383

WEBSITE: WWW.JENKINSWILSONTAYLOR.COM

DATE: August 13, 2004

TO: USPTO

FAX NO.: (703) 872-9306

FROM: Arles A. Taylor, Jr. (cht)

RE: Serial No. 09/772,134; Our Ref. No. 1268/4/2

NUMBER OF PAGES TO FOLLOW: 5

If transmission is poor, or if you do not receive all pages, please
call (919) 493-8000 as soon as possible.

COMMENTS: Attached please find a Notice of Appeal for the above-referenced
file. If you have any questions, please do not hesitate to contact
us. Best regards.

The information contained in this facsimile message is ATTORNEY PRIVILEGED AND CONFIDENTIAL
INFORMATION intended only for the use of the individual or entity named as recipient. If the reader is not the
intended recipient, be hereby notified that any dissemination, distribution or copy of this communication is strictly
prohibited. If you have received this communication in error, please notify us immediately by phone and return the
original message to us at the address shown above via the U.S. Postal Service. Thank you.

**JENKINS
WILSON
& TAYLOR**

patent attorneys

August 13, 2004

RICHARD E. JENKINS

JEFFREY L. WILSON

ARLES A. TAYLOR, JR.

GREGORY A. HUNT

E. ERIC MILLS

BENTLEY J. OLIVE

MICHAEL J. CROWLEY

CHRIS PERKINS, PH.D.

JAMES DALY IV, PH.D.

JEFFREY CHILDERS, PH.D.

OF COUNSEL
SOROJINI BISWAS

*LICENSED ONLY IN CA

**LICENSED ONLY IN NY

I hereby certify that this paper is being facsimile transmitted to the
United States Patent and Trademark Office at (703) 872-9306 on
August 13, 2004.

Cathi H. Turner
Cathi H. Turner
Date of Signature August 13, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/772,134 for
ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES
RELATING TO LOCI UNDERLYING RESISTANCE TO
SOYBEAN CYST NEMATODE AND SOYBEAN SUDDEN
DEATH SYNDROME AND METHODS EMPLOYING SAME
Our Ref. No. 1268/4/2

Sir:

Please find enclosed the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (2 pages) (in duplicate).

Please contact our offices if there are any questions with respect to this matter.

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON & TAYLOR, P.A.



Arles A. Taylor, Jr.
Registration No.: 39,395

AAT/cht
Enclosures

Customer No: 25297

tel 919.493.8000

fax 919.419.0383

Jenkins, Wilson & Taylor, P.A.

JenkinsWilsonTaylor.com

University Tower, Suite 1400 | 3100 Tower Boulevard | Durham, North Carolina 27707

AUG 13

OFFICIAL

PATENT

Practitioner's Docket No. 1268/4/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lightfoot et al.

Application No.: 09/772,134

Group No.: 1638

Filed: January 29, 2001

Examiner: Kruse, David H.

For: ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES RELATING TO LOCI
UNDERLYING RESISTANCE TO SOYBEAN CYST NEMATODE AND SOYBEAN
SUDDEN DEATH SYNDROME AND METHODS EMPLOYING SAME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 13, 2004, finally rejecting Claims 11, 13-15, 17-26, and 71-80.

1. STATUS OF APPLICANT

This application is on behalf of a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9308.

Date:

8/13/04

Signature

Cathi H. Turner

Cathi H. Turner

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timelines. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board--page 1 of 2

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

Small entity \$165.00

Notice of Appeal fee due \$165.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee \$475.00

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$165.00

Extension fee \$475.00

TOTAL FEE DUE \$640.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$640.00 to Deposit Account No. 50-0426.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

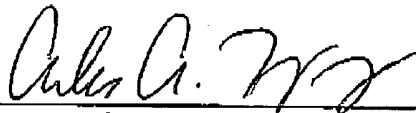
A duplicate of this transmittal is attached.

Date:

08/13/2004

1268/4/2 AAT/cht

Customer No.: 25297


Signature of Practitioner

Arles A. Taylor, Jr.

Registration No.: 39,395

Practitioner's Docket No. 1268/4/2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lightfoot et al.

Application No.: 09/772,134

Group No.: 1638

Filed: January 29, 2001

Examiner: Kruse, David H.

For: ISOLATED POLYNUCLEOTIDES AND POLYPEPTIDES RELATING TO LOCI
UNDERLYING RESISTANCE TO SOYBEAN CYST NEMATODE AND SOYBEAN
SUDDEN DEATH SYNDROME AND METHODS EMPLOYING SAME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed February 13, 2004, finally rejecting Claims 11, 13-15, 17-26, and 71-80.

1. STATUS OF APPLICANT

This application is on behalf of a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

Class "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

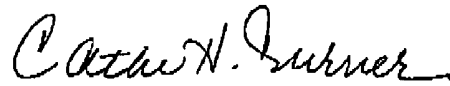
TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date:

8/13/04

Signature



Cathi H. Turner

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

Small entity	\$165.00
Notice of Appeal fee due	\$165.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

Fee	\$475.00
-----	----------

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$165.00
Extension fee	\$475.00
TOTAL FEE DUE	\$640.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$640.00 to Deposit Account No. 50-0426.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

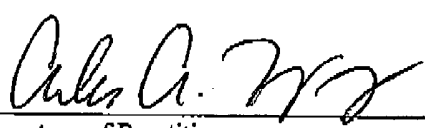
A duplicate of this transmittal is attached.

Date:

08/13/2004

1268/4/2 AAT/cht

Customer No.: 25297


Signature of Practitioner

Arles A. Taylor, Jr.

Registration No.: 39,395

Notice of Appeal from the Primary Examiner to Board—page 2 of 2